



AUG 22 2003

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PTO/SR/71 (08-00)

Approved for use through 10/31/2002 OMB 0651-0031

U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

5

Application Number

10/073,256

Filing Date

February 13, 2002

First Named Inventor

Barry N. KREISWIRTH

Group Art Unit

1631

Examiner Name

C Ly

Attorney Docket Number

19124.0012

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☒ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/ Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Statement Claiming Small Entity Status

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition Routing Slip (PTO/SR/69) and Accompanying Petition

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney, Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s)

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please identify below)

Response to Restriction Requirement

Remarks

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AUG 25 2003

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

KENNETH Y. LO, Reg. No. 51,951
For: Edward A. Pennington, Reg. No. 32,588

Signature

Date

August 22, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date:

Typed or printed name

Signature

Date

Burden Hour Statement. This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

AUG 22 2003

PTO/SB/17 (01-03)

Approved for use through 04/30/2003 OMB 0651-0032
U.S. Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE
If this application is filed by a small entity, the applicant must indicate the appropriate small entity status on the front of the application and on the fee schedule.

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FEE TRANSMITTAL for FY 2003

Effective 01/01/2003 Patent fees are subject to annual revision

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 205

Complete if known

Application Number 10/073,256
 Filing Date February 13, 2002
 First Named Inventor B. N. Kirschwirth
 Examiner Name C. D. Ly
 Group / Art Unit 1631
 Attorney Docket No. 19124-0012

METHOD OF PAYMENT (check all that apply)

- ☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit Account Number 19-5127
 Deposit Account Name Swider Berlin Sherett Friedman LLP

The Commissioner is authorized to: (check all that apply)

- ☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☒ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

FEE CALCULATION

1. BASIC FILING FEE				Fee Description	Fee Paid
Large Entity	Small Entity	Fee Code	Fee (\$)		
1001	750	2001	375	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	520	2003	260	Plant filing fee	
1004	750	2004	375	Reissue filing fee	
1005	190	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	0	0	0
Multiple Dependent	0	0	0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ 0)

**or number previously paid, if greater, For Reissues, see above

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1051	130	2051	65	Non-English specification	
1612	2,500	1612	2,500	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
180*	1,840*	180*	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	E-tension for reply within first month	
125	410	225	205	E-tension for reply within second month	205 00
1252	930	2252	465	E-tension for reply within third month	
1254	1,410	2254	725	E-tension for reply within fourth month	
125*	1,970	225*	985	E-tension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,300	2453	650	Petition to revive - unintentional	
1501	1,300	2501	650	Utility issue fee (or reissue)	
1502	470	2502	235	Design issue fee	
1503	630	2503	315	Plant issue fee	
1460	130	1460	130	Petitions to the Chief Information Officer	
1807	50	1807	50	Processing fee under 37 CFR 1.101	
1806	180	1806	180	Submission of Information Disclosure Sheet	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	750	2809	375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	750	2810	375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	750	2801	375	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 205)

SUBMITTED BY

Name (Print/Type) Kenneth Y. Lo For
 Edwards A. Washington
 Signature *Kenneth Y. Lo*

Registration No. Attorney/Agent

51,961

32,588

Complete (if applicable)

Telephone (202) 339-8951

Date August 22, 2003

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is not related to the individual case. Any comments on the amount of time you require to prepare, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Barry N. Kreiswirth et al. : Attorney Docket: 19124.0012
Application No.: 10/073,256 : Art Unit: 1631
Filed: February 13, 2002 : Examiner: C. Ly
For: SYSTEM AND METHOD FOR TRACKING AND CONTROLLING INFECTIONS

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Election/Restriction Requirement under 35 U.S.C. § 121 mailed on June 10, 2002. Applicants submit the following response for entry and consideration during the examination of the above-identified application.

REMARKS

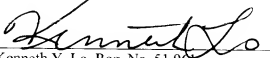
Applicants hereby provisionally elect, with traverse, claims 13, 25, 38 and 50, corresponding to Group II, drawn to a method for identifying and tracking an outbreak of an infection caused by an organism. Applicants also make a species election of Species C: *Staphylococcus aureus* and a sequence election of SEQ ID NO 54.

A Request for a 2-month Extension of Time is included herewith with authorization for appropriate fee. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Swidler Berlin Shereff Friedman, LLP Deposit Account No. 195127, Order No. 19124.0012.

Respectfully submitted,

Date: August 22, 2003

For:


Kenneth Y. Lo, Reg. No. 51,961
Edward A. Pennington, Reg. No. 32,588
Swidler Berlin Shereff Friedman, LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007-5116
Telephone: 202 424-7500
Facsimile: 202 295-8478

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